HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.10146 of 1998

4.7.2007

Between

Ch.Nageswara Rao ..Petitioner

AND

Managing Director, A.P.S.R.T.C., Hyderabad and others ..Respondents

:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.10146 of 1998

The present writ petition has been instituted by an individual claiming to be a displaced employee and he solicited directions to the respondent A.P.S.R.T.C. to absorb him into its service as the route on which the bus bearing No.TDQ 658 had plied, had been nationalized and consequently he is one amongst the several displaced employees. He therefore prays that his case ought to have been considered by the A.P.S.R.T.C. for absorption into its service in accordance with the scheme evolved by it.

This is the second round of litigation. Earlier, the very same writ petitioner had instituted W.P.No.654 of 1989. This court directed the respondents to re-examine the claim of the writ petitioner for absorption and pass orders. The respondent Corporation in pursuance of the scheme of absorbing into its service the genuine displaced employees due to the nationalization of private bus routes, has undertaken the process of absorption on 10.1.1987. It has been stated that Syed Mohd. Hanief, Driver and V.Vara Prasad and Masthan Saheb, Conductors have been absorbed into the service of the Corporation. The rest of the claims have been turned down. In those set of circumstances, those individuals have approached this Court and solicited directions for consideration of their cases in W.P.No.7449 of 1995. Once again, their cases had been taken up for consideration. But however, it will be interesting to notice that in W.P.No.7449 of 1995, three writ petitioners viz., D.V.Krishna Murthy, R.Venkateshwarlu, Conductors and K.Koteshwar Rao, Driver had

produced a certificate issued by the owner of the Vehicle to show that they were engaged by him for the vehicle bearing No.TDQ 658 which was plying on the route in question. Apart from the said certificate, those three individuals have also enclosed a certificate issued in the year 1984 by the Labour Officer, Ongole certifying that those individuals have worked on different dates on the bus concerned and all those three individuals have been certified as genuinely displaced employees. Based upon this material which was produced before this Court, W.P.No.7449 of 1995 came to be disposed of and in terms of the judgment therein, the A.P.S.R.T.C. had reconsidered the matter afresh and found those three individuals suitable for absorption as they are genuinely displaced employees who worked on the bus bearing No.TDQ 658. The net result is, a total of six employees, two Drivers and four Conductors who worked on the said bus have been absorbed into the service of the Corporation. The present writ petitioner to press home his claim has placed reliance upon a notarized affidavit of the owner of the bus viz., Chakka Lingaiah mentioning therein the names of 12 individuals, an unbelievable high number, who have worked on the bus bearing No.TDQ 658. One amongst those 12 names found in the affidavit is the present writ petitioner. Strangely, it did not include the names of the 3 petitioners in W.P.No.7449 of 1995, thus rendering this affidavit suspect. But, the affidavit of the owner further asserts that the writ petitioner's name has been entered into the muster rolls as well as the wage registers. But unfortunately, the writ petitioner could not produce either the wage register or the said muster rolls where his muster has been marked, nor did he produce any certificate from the Labour Department to vouch the fact that he also worked on the bus in question. Added to this, the respondent Corporation alleges that the writ petitioner is none other than the son of Chakka Lingaiah, owner of

the vehicle. Therefore, it is understandable that he may have supervised the work of various employees who worked on the bus not in the capacity of a Supervisor, but in the capacity of owner. I therefore do not find any illegality in the conclusion reached by the A.P.S.R.T.C. that the writ petitioner has never worked on the bus in question as an employee to enable his eventual absorption into the service of the Corporation. For this reason, I do not find any merit in the writ petition. It is accordingly, dismissed, but however, without costs.

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NOOTY RAMAMOHANA RAO.J.

4.7.2007
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